



**TOWN OF GROTON**  
**Conservation Commission**  
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**Groton Conservation Commission**  
**Meeting Minutes**  
Tuesday, February 11, 2020 @ 6:30 p.m.  
Groton Town Hall, Second Floor Meeting Room

**Present:** Laurence J. Hurley, Vice Chair; Eileen McHugh, Clerk; Peter Morrison; Bruce Eason; Marshall Giguere; Olin Lathrop.

**Absent:** John Smigelski, Chairman

**Others present:** Nikolis Gualco, Conservation Administrator, Town of Groton.

**6:30 PM** Vice Chairman Hurley called the meeting to order.

**1. APPOINTMENTS AND HEARINGS**

1.1. 6:30 PM – NOI, 227 Boston Road, for the construction of a single-family home and driveway. MassDEP# not yet assigned.

**In attendance:** Kevin Lindemer, homeowner/applicant; Stan Dillis, Ducharme & Dillis (representative).

The public hearing began with S. Dillis introducing the project, which involves the construction of a single-family house and driveway. The driveway would spur off an existing driveway, cut uphill towards the location of the proposed house. Two retaining walls will be constructed, one below the driveway (to a max. height of eight (8) feet above grade) and the other behind the house (to a max height of thirteen (13) feet above grade). The driveway would be graded to drain downhill (toward the wetland) and runoff would be captured by a swale, which would contain a series of check dams. The purpose of the swale would be to capture, slow, and ultimately infiltrate runoff. any runoff not captured would be dispersed across a rip rap apron towards the intersection of the proposed and existing driveways and infiltrate in the field. Runoff from the proposed house roof would be captured by gutters and diverted to an underground infiltration well.

Dillis continued and described a few steps that would be taken during construction. These include the designation of a stockpile location on the site to be surrounded by siltation controls, the use of de-watering sacks (a.k.a., “Dirtbags” (™)), which will be used for the construction of the upper (house) retaining wall.

He continued by stating that no part of the proposed house is within the 100-foot wetlands buffer zone, but portions of the driveway are within the 50-foot buffer, including significant portions of the lower retaining wall. The driveway would require 10-12 mature trees to be removed.

Finally, Dillis discussed the two areas of significant grading, which include 1) the area behind the house and 2) the area below the driveway as well as below the house. The grading above the house would have a max. slope of 3:1, which the slope below the house would be as steep as 2:1. Dillis stated that the slopes, especially the steep lower one, will be stabilized during construction (he referenced jute netting) and allowed to revegetate. K. Lindemer stated that he would like to plant native vegetation on the lower slope so that he would not need to maintain it as he would allow it to remain naturally vegetated.

E. McHugh expressed some concern that the entire lower retaining wall is within the 50-foot wetlands buffer zone. She and Dillis discussed the type of blocks that would be utilized during the wall's construction. McHugh stated that she would like to see that large blocks be used for this project and suggested that conditioning this in the Order would be her preference.

M. Giguere inquired about the steepness of the slopes. A discussion ensued about why the plan calls for 2:1 slope ratio, which Dillis explained that if he used 3:1 ratio the toe of the slope would be significantly closer to the wetland. Giguere commented that the use of 2:1 appeared to be the better of the two options. B. Easom commented that he agreed that the 2:1 would be the better option for the specific project – so long as the slope is properly stabilized.

O. Lathrop asked for more details on the post-construction plans for stabilizing the 2:1 slope. K. Lindemer commented that there are several native species on-site (e.g., juniper and certain wildflowers) that he would like to plant on the hillside. This, Lindemer stated, would allow the slope to be very low maintenance and “blend in” with the surrounding vegetative community.

P. Morrison asked about the sequence of work with an emphasis on how/when the sewer line would be connected to the new house and the old house/barn, as well as when the old house septic system would be decommissioned. K. Lindemer was hopeful that the connecting of the sewer line to the old house would be a 1-day endeavor and that if it was any longer, he would be prepared to stay in a hotel for the required amount of time as the house would not be occupiable.

E. McHugh commented that she would like to see the approx. location of the sewer connection between the new and old house/barn as well as where the septic system is located added to a revised plan. McHugh continued by discussing an old cart path that runs along the approx. location of the proposed driveway and asked if the applicant plans to abandon the road. She asked that he add his intention to abandon the road to the plan as well as provide a more detailed landscaping plan for the post-construction phase.

Upon a motion by P. Morrison, seconded by B. Easom, it was:  
VOTED to continue the public hearing for MassDEP#169-1199 until February 25,  
2020 to allow the applicant to make the necessary revisions to the site plan. **The  
motion passed by a unanimous vote.**

1.2. 6:45 PM – RDA, 28 Ridgewood Ave, for the installation of groundwater monitoring wells (Energy North, Inc.)

**In attendance:** Chuck Klinger, Atlas ATC (representative)

C. Klinger reported on the proposed project, which involves the installation of groundwater monitoring wells as part of a remediation effort to cleanup contaminated soil. The soil below the house was contaminated over 1 year ago when the fuel oil tank overflowed during a filling. Klinger estimated that approx. 30 gallons of oil leaked into the soil through the basement floor. The remediation method involves applying 200-300 gallons of 7% - 15% hydrogen peroxide solution into a trench in the basement. Groundwater monitoring wells outside the house (two below, one above) and one inside the basement will be installed. The two lower wells will be installed by hand while the upper well will be installed by a hydrologic drill. The wells will detect fuel oil and hydrogen peroxide. Finally, Klinger stated that MassDEP has conditionally approved the remediation plan.

B. Easom asked about the diameter of the wells. Klinger reported that the two lower wells were to be installed by hand using a hammer drill and that each hole will be approx. 1/2" wide. Easom continued by stating that if the installation methods needed to intensify to the point of using an auger then the applicant would need to re-file with the Commission. Klinger said he understood.

O. Lathrop asked about the plan to remove the wells after they were no longer necessary. Klinger indicated that they can easily be removed by hand.

E. McHugh confirmed that the applicant intended to begin work within a month as long as the homeowner agreed to the plan.

Upon a motion by M. Giguere, seconded by L. Hurley, it was:

VOTED to issue a Negative 3 Determination of Applicability under the following special conditions:

- 1.) if the work required to install the lower wells goes beyond what can be accomplished by hand, the applicant shall re-file with the Conservation Commission;
- 2.) The method for installing the lower two monitoring wells shall utilize a hand-held hammer drill;
- 3.) The contractor shall notify the Conservation Administrator when the schedule of work has been set.

**The motion based by a unanimous vote.**

1.3. 7:00PM – Extension Permit, Groton School, for the construction of a driveway with wetland crossings, MassDEP#169-1131.

**In attendance:** Attorney Robert Collins (representative)

R. Collins stated that due to the means of appropriating funds at Groton School, which can result in about an 18-month lead time, he has to request an extension to the Order of Conditions. The Order was last extended in May of 2017 and is set to expire on December 22, 2021. Collins continued by stating that the construction of the driveway has not yet commenced and that there is a need to refresh the wetland flags.

Upon a motion by P. Morrison, seconded by L. Hurley, it was VOTED to extend the Order of Conditions (MassDEP#169-1131) for the construction of a driveway for a term of three (3) years under the conditions that the wetland flags be re-fresher prior to any inspections/commencement of construction.  
**The motion passed by a unanimous vote.**

1.4. 7:05PM – Discussion, Hayes Land, Chapter 61 Right of First Refusal

**In attendance:** Attorney Robert Collins (representing the buyer); Stan Dillis, Ducharme and Dillis (surveyor).

Atty. Collins began the discussion by explaining that the configuration of lots will change during the permitting phase of the project, however the development line along Maple Ave will remain as it is dictated by NHESP. A discussion ensued regarding access to the property (vehicular and pedestrian). The Commission expressed an interest in reserving the ability (access) to continue to manage the property for forestry purposes into the future and stressed the need of access for vehicles. O. Lathrop stressed the need to have access for pedestrians off Maple Ave. Finally, it was agreed that if Collins provided a letter describing the matters discussed in the night's meeting then the Commission would vote to conditionally recommend the Select Board not exercise of first refusal on the property.

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
VOTED to conditionally recommend the Groton Select Board decline their rights under Chapter 61A of the Massachusetts General Laws under the following conditions:

1. The development for the site will result in (at least) a 60-acre open space parcel;
2. The development along Maple Avenue will be confined to the areas shown on the schematic plan prepared by Stan Dillis, which was provided with the notice of sale;
3. The Commission will be provided usable vehicular access to the open space parcel from Pepperell Road so that it may undertake maintenance and forest management activities in the future;
4. Public access to the open space parcel from Maple Avenue will be provided;
5. Prior to submitting any plan to the Planning Board, the developer will meet with the Conservation Commission and review the issues identified in this letter.

**The motion passed by a unanimous vote.**

1.5. 7:20PM – RDA (cont.), 55 Sunset Road, for the re-grading and paving of an existing driveway (O. Lathrop)

**In attendance:** Olin Lathrop (applicant)

Lathrop began by recapping his research since the last meeting. He reviewed the file on 169-109, which was the Order of Conditions that permitted the construction of the driveway at his residence. In the file he found no mention of any preference/requirement for the material of the driveway, which is what the Commission had asked him to research. Gualco commented that this was consistent with his own review of the file.

The Commission then discussed for several minutes the details of the plan, specifically where the water would runoff to. Lathrop had presented a plan to divert the water (through grading) to a low spot on the far side of the driveway (away from the wetland). He stated that he had never seen water ponding in this location and proposed that it would be sufficient to handle the driveway runoff. The Commission had several questions regarding the storage volume of the proposed site, the ground's permeability, and the possible diversion of water onto the abutting property. After several minutes, the Lathrop stated that he would need to measure the area of the driveway as well as estimate the storage volume of the proposed area of water diversion and update his plan for dealing with the water.

Upon a motion by P. Morrison, seconded by M. Giguere, it was:  
VOTED to continue the public meeting until February 25, 2020 to allow time for the applicant to address the concerns of the Commission.

**The motion passed by a majority vote with O. Lathrop recusing himself.**

## **2. GENERAL BUSINESS**

### 2.1.1. Report/discussion on recent CPC – Select Board joint meeting

B. Easom provided a report on the meeting. Due to upcoming expense, mainly the construction of a new Florence Roach elementary school, the Select Board and Finance Commission are discussing any and all ways to save taxes and avoid a Proposition 2 ½ debt exclusion. It is estimated that the new school may raise the average tax bill by approx. \$600 annually. The two boards discussed the possibility of reducing the 3% match under the CPA or possibility no longer participating in the program. A lively discussion ensued on why the CPA makes good fiscal sense to the interests of the Conservation Commission as well as the Town in general. A discussion occurred on how the new school could leverage CPA funds for the athletic fields using a similar financial method that was used to pay for Surrenden Farm.

The discussion concluded with P. Morrison agreeing to draft a letter to the Select Board on why the Town should remain in the CPA program.

2.1.2. Letter of support, GPAC FY21 CPA application

The Commission discussed the request from GPAC for a letter of support for their FY21 CPA proposal. The discussion focused on how the lake treatment targets and controls for invasive species (e.g., milfoil, fanwort) as well as the good working relationship GPAC and the Commission have had over the past several years.

Upon a motion by P. Morrison, seconded by L. Hurley, it was:  
VOTED to authorize the Conservation Administrator to write a letter of support for the GPAC FY21 CPA application on behalf of the Conservation Commission.  
**The motion passed by a unanimous vote.**

2.1.3. Groton Conservation Trust, Conservation Restriction (Lost Lake) (added Feb 7, 2020)

N. Gualco shared that he received a few hours before the meeting a revised draft of the CR from the Trust. Due to the short time frame to review this document, it was decided to table this discussion until February 25, 2020.

2.1.4. Next Land Management Meeting (added Feb 7, 2020)

The Commission discussed having another Land Management meeting and it was decided that the date would be March 4, 2020.

2.2. Order of Conditions/Certificate of Compliance

None

2.3. Enforcement/Violations

None

2.4. Committee Updates/Announcements

Invasive Species Committee – O. Lathrop has provided the following plans for treatment at Groton Woods Conservation Area off Hayden Road (Parcel 132-55):

- 1 - April or May, before the knotweed grows substantially, cut everything down to the ground. This will make subsequent operations easier because the dead stems from the previous year won't be in the way.
- 2 - When the knotweed gets 3-5 feet or so tall, cut each stem just below a knot and drip about 2 ml of glyphosate into the hollow stem. This will probably happen in late May or early June.

3 - In September or whenever the knotweed that grows anyway despite #2 gets tall enough, apply herbicide via foliar spray. Which herbicide and what concentration is to be determined, guided by results from our Nod Road study.

2.5. Approve Meeting Minutes

Upon a motion by E. McHugh, seconded by L. Hurley, it was:  
VOTED to approve the meeting minutes for: September, 24, 2019; November 26, 2019; December 10, 2019; January 14, 2020 and; January 28, 2020 as amended.  
**The motion passed by a majority vote with P. Morrison abstaining.**

2.6. Invoices

The Commission signed invoices for the following:

- Jan. 31, 2020 – Groton Herald - \$99.00
- Jan. 24, 2020 – Groton Herald - \$144.50
- Feb. 7, 2020 – Reimburse N. Gualco - \$71.63
- Feb. 4, 2020 – Minuteman Press - \$155.60
- Feb. 10, 2020 – USPS - \$8.70

3. Open Session for topics not reasonably anticipated 48 hours in advance of meeting\*

None

4. IF NECESSARY: Executive Session pursuant to MGL Ch. 30A, Sec. 21(6): \* “To consider the purchase, exchange, lease, or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.”

None.

5. Adjournment

Upon a motion by E. McHugh, seconded by M. Giguere, it was:  
VOTED to adjourn the public meeting at 8:35 PM.  
**The motion passed by a unanimous vote.**

**Minutes Approved: February 25, 2020**